



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450, on February 9, 2004
(Date of Deposit)

Date 2/9/04

By [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

Marcotte, Ronald P., et al.)

Serial No. 09/694,363)

Filed: October 23, 2000)

For: PEAK FLOW METER)

Art Unit: 2855

Examiner: Martir, Lilybett

DECLARATION UNDER 37 CFR §1.132 OF JOHN D.K. KARP, P.E.

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

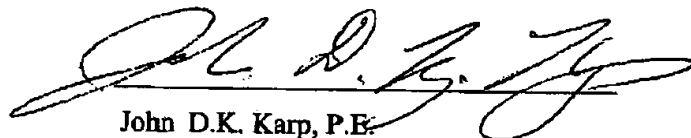
1. My name is John D.K. Karp and I declare that I am a professional engineer and Senior Project Manager for the Maine Manufacturing Extension Partnership in Portland, Maine.
2. I declare that I am one of at least ordinary skill in the arts of fluid mechanics, fluid dynamics, and mechanical design.
3. I declare that I have read the above referenced patent application, including the claims as amended, the Official Action, and the Williams and DeBush patents cited by the Examiner.
4. I declare that the DeBush patent teaches a meter having a single flow passage that does not create any back pressure within the housing. I further declare that Williams fails to teach a flow restriction that creates back pressure within the housing, but

rather teaches a vane which rotates on an axis which is not coincident with the center of the flow channel's arc, creating a variable channel opening as the vane moves.

Based upon the foregoing, I declare that neither DeBush nor Williams discloses a flow meter having a flow restriction dimensioned to create a back pressure within the housing, as claimed by the Applicant.

5. I declare that I would not be motivated to modify the DeBush device, based upon the adjustment means of Williams, to include the claimed adjustable hub, as such a modification would be unsuccessful at achieving the results of the Applicants' claimed invention. I further declare that this lack of motivation is based upon the fact that Williams teaches a spring located in the "cylinder", which is an intermediate part between the main body and the shaft and that adjustment of this spring would require the disconnection of the spring from the vane and, consequently, a subsequent recalibration of the meter once the cover was replaced.
7. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application or patent issuing thereon.

2/7/04
Date


John D.K. Karp, P.E.